

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOE NATHAN GILES, JR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:18-CV-138-WHA-GMB
)	(wo)
ANGIE McCLELLAN, and)	
DEBORAH ANN GILES,)	
)	
Defendants.)	

ORDER

This case is before the court on the Report and Recommendation of the Magistrate Judge (Doc. #6) and the Petitioner's Objection thereto (Doc. #7).

Following an independent evaluation and *de novo* review of the file in this case, the court finds the objection to be without merit and due to be overruled.

Plaintiff Joe Nathan Giles, Jr. asserts that he did not receive an expected inheritance from his late mother. Doc. 1. Because Giles' *pro se* complaint did not allege federal subject-matter jurisdiction, the Magistrate Judge ordered him to file an amended complaint setting forth the basis for federal jurisdiction. Doc. 4.

The Magistrate Judge found in the Report and Recommendation that Giles' amended complaint (Doc. 5) failed to allege federal subject-matter jurisdiction. Giles asserts no claims of federal law, and does not allege the prerequisites for federal diversity jurisdiction. Specifically, Giles failed to allege the citizenship of the parties. And he demands only \$40,000 in total.

This court finds no error in the Report and Recommendation which found that Giles did not satisfy the requirements of federal diversity jurisdiction, namely that each party be a citizen

of a different state and that the amount in controversy exceed \$75,00. 28 U.S.C. § 1332. The court agrees that the federal subject-matter jurisdiction has not been established. Furthermore, in the Objection, Giles again fails to specify on what basis this court has jurisdiction over his claims.

Accordingly, the objection is OVERRULED, the court ADOPTS the Recommendation of the Magistrate Judge, the Motion for Leave to Proceed *in forma pauperis* is GRANTED, and it is hereby

ORDERED that this case is DISMISSED without prejudice.

Done this 19th day of February, 2019.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE